

## REMARKS

### Formal Matters

In the specification, the paragraph describing the priority information has been amended in order to revise the priority claim to copending application U.S.S.N. 10/968,237.

Claims 1-19 and 40-50 remain in this application. Claims 20-39 have been canceled. Claims 1 and 19 are amended and new claims 40-50 are added. No new matter is added by the amendments.

Support for the amendments is found throughout the specification, and specifically at least as indicated as follows:

### Claims 1 and 19:

Treating late asthmatic response - page 5, lines 4-19.

IgE antibody that prevents the binding of free IgE to Fc<sub>ε</sub>RI, but does not bind to Fc<sub>ε</sub>RI-bound IgE - page 5, lines 10-12.

Definition of IgE antagonist - page 15, lines 14-26.

### Claims 40 and 50: page 20, lines 30-34.

Applicants retain the right to prosecute the subject matter of canceled claims 20-39 in subsequent prosecution.

### Restriction and Election Requirements

The Examiner has requested that applicant elect a single disclosed species between chimeric, humanized or human antibodies. Presently dependent claim 5 is directed to a chimeric antibodies, dependent claim 6 is directed to humanized antibodies, while dependent claim 7 is directed to human antibodies, while the remaining claims 1-4, 8-19 and 40-50 are generic.

Pursuant to the Examiner's request, Applicants hereby elect Claim 6, directed to humanized antibodies.

As this is an election of species, the Examiner is reminded of M.P.E.P. § 809.02(c) (B) (1) which prescribes that when a generic claim is found to be allowable . . . all claims to each of

Appl. No. 10/826,797  
Amend. dated June 14, 2005  
Response to Office Action mailed on: March 22, 2005

Patent Docket P0957R1C1

the additional species that are embraced by an allowable claim . . . that claims drawn to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim.

Appl. No. 10/826,797  
Amend. dated June 14, 2005  
Response to Office Action mailed on: March 22, 2005

Patent Docket P0957R1C1

### SUMMARY

Claims 1-19 and new claims 40-50 are pending in the application. Claims 20-39 are canceled without prejudice to later prosecution.

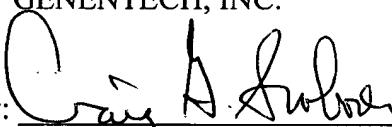
If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a 2-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
GENENTECH, INC.

Date: June 14, 2005

By:   
\_\_\_\_\_  
Craig G. Svoboda  
Reg. No. 39,044  
Telephone No. (650) 225-1489